

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDWARD COMENOUT, JR. and
ROBERT COMENOUT,

Plaintiffs,

v.

CITY OF PUYALLUP, a municipal
corporation, and Tom Utterback, Director,
Department of Planning Services,

Defendants.

No. C07-5182RJB

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE

This matter comes before the court on the above-referenced motion (Dkt. 8). The court is familiar with the records and files herein and has reviewed all documents filed in support of and in opposition to the motion. For the reasons stated below, the motion should be DENIED.

Plaintiffs have not shown a strong likelihood of success on the merits, nor the possibility of irreparable injury if preliminary relief is not granted. Any damages to plaintiffs can be recompensed financially if plaintiffs prevail on the merits. The balance of hardships does not favor the plaintiffs, and the public interest does not require the extraordinary remedy of a temporary restraining order or preliminary injunction.

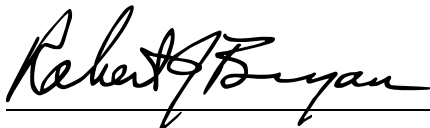
1 Furthermore, although plaintiffs raise serious questions, they have not demonstrated
2 that the balance of hardships tips sharply in their favor. The issuance of a temporary
3 restraining order or preliminary injunction is not justified on the showing made.

4 It appears from the pleadings and documents filed in this case thus far that the case
5 can be resolved on the merits quickly, either by motion or expedited trial. The parties
6 should confer on preparation of the Joint Status Report, consider case scheduling as part of
7 that Report, and submit it to the court as soon as possible so that a litigation schedule can be
8 promptly set.

9 Therefore, it is hereby

10 ORDERED that the Motion for Temporary Restraining Order and Order to show
11 Cause why a Preliminary Injunction Should Not Issue (Dkt. 8) is DENIED.

12 DATED this 12th day of June, 2007.

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15 ROBERT J. BRYAN

16 UNITED STATES DISTRICT JUDGE
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